

Appl. No. 10/517,275
Reply to Restriction Requirement of February 22, 2007

REMARKS/ARGUMENTS

The Applicant had elected to prosecute the claims of Group II (claims 22, 24, 27, 32, 33, 38, 39, 41 - 45, 47 and 48) with traverse in response to an earlier restriction requirement. The claims of Group I and Group III were cancelled without prejudice and only for the purpose of responding to the restriction requirement. It was stated that should the Examiner maintain the restriction requirement and the claims of Group II are found to be allowable, Applicant requests that the Examiner review the claims of the other groups and the new claims according to the practice of rejoinder as set forth in section 821.04 of the MPEP.

The Examiner acknowledges the election of Group II claims (22, 24, 27, 32, 33, 38, 39, 41-45, 47 and 48). However, now the Examiner indicates that this group is directed to a further restriction of Group 1 claims (32, 33, 38, 39 and 41-45) and Group 2 claims (22, 24, 27, 47 and 48) stating that these claims do not relate to a single general inventive concept under PCT Rule 13.1. The Examiner believes that the claims of Group 1 do not have a special technical feature with Group 2 because the feature of a "siRNA that inhibits expression of an endogenous target gene, such as a cancer gene encoding an enzyme for the treatment of an immune disorder) is disclosed in U.S. 6,506,559. The Applicants disagree. The '559 patent discloses the treatment of cancer (such as leukemia, i.e. a T cell cancer) in the passages noted by the Examiner. In contrast claim 32 is directed to the treatment of an immune disorder where it is recited that the target alters T cell activity. This shares subject matter with claim 22 for example of Group 1 claims identified by the Examiner. This is not the treatment of cancer as disclosed in the '559 patent. Cancer is not an "immune disorder" as taught in the present application and recited in the claims. Cancer of immune cells, such as T cells, is considered a cancer and not an immune disorder such as those taught in the present application. The subject matter of the present elected claims is not disclosed in the '559 patent and thus the further election requested by the Examiner is not required.

It is understood that with this traversal of the additional restriction requirement, an election is required for the completeness of the reply and therefore the claims of Group 2 are elected with traverse for those reasons noted above. Again, it is believed that this additional restriction requirement is not required. It was stated that should the Examiner maintain the restriction requirement and the

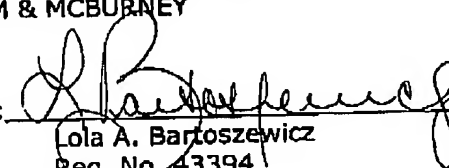
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claims of Group 2 are rejected. . . . that the Examiner
review the claims of the other groups and the new claims according to the practice of
rejoinder as set forth in section 821.04 of the MPEP.

The Applicant still believes that the claims of Group 1 and 2 should be
pursued as a whole.

Respectfully submitted,
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